

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TWINCO, INC.,

Plaintiff,

v.

THE UNITED STATES SMALL BUSINESS  
ADMINISTRATION; ISABELLA CASILLAS  
GUZMAN, in her official capacity as  
Administrator of the Small Business  
Administration; JANET YELLEN, in her  
official capacity as the United States Secretary  
of the Treasury; and THE UNITED STATES  
OF AMERICA,

Defendants.

Case No. 3:24-cv-05061-BHS

**JOINT STATUS REPORT**

**JOINT STATUS REPORT**

COMES NOW the parties, through their respective counsel and pursuant to this Court's Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions, and Early Settlement (Dkt. 6) and submit the following Joint Status Report. The parties have conferred regarding the issues identified in the Court's Order and advise the Court as follows:

1 WHEREAS Plaintiff filed this action seeking review of Defendants' actions in adjudicating  
2 Plaintiff's application for forgiveness of a Paycheck Protection Program loan it obtained pursuant  
3 to the Coronavirus Aid, Relief and Economic Security Act. Dkt. 1.

4 WHEREAS Plaintiff's action against Defendants is brought pursuant to the Administrative  
5 Procedures Act, 5 U.S.C. §§ 702, 706 and the Court's power under the Declaratory Judgment Act.  
6 *Id.* at pg. 13-14.

7 WHEREAS Plaintiff's case, as presently filed, is "an action for review on an administrative  
8 record," falling under a category of cases in Federal Rule of Civil Procedure 26(a)(1)(B)(i) that  
9 are exempt from the requirements set forth in FRCP 26(a) and (f) pertaining to the "lay down" of  
10 discovery, the participation of the parties in a discovery conference, and the presentation of a joint  
11 discovery plan. Fed. R. Civ. P. 26(a)(1)(B)(i).

12 WHEREAS Plaintiff asserts that although its case is primarily an "action for review on an  
13 administrative record," it is entitled to discovery, and that discovery may be necessary for judicial  
14 review, pertaining to Plaintiff's Declaratory Judgment Act claim seeking to invalidate an agency  
15 rule.

16 WHEREAS the parties have met and conferred and are currently exploring administrative  
17 remedies that may resolve Plaintiff's claims and render the issues in this lawsuit moot.

18 WHEREAS the case was stayed until August 1, 2024 to allow the parties time to explore  
19 a potential resolution.

20 WHEREAS, the parties agree that this case should be stayed until October 1, 2024, to allow  
21 the parties additional time to explore potential resolution.

22 NOW THEREFORE, the parties, through their respective counsel of record, do hereby  
23 stipulate and agree that the Court may make and enter the following order:

1. This case is stayed until October 1, 2024.

2. The parties shall file a Joint Status Report on or before October 1, 2024 informing the Court of the status of the claims in this lawsuit.

SO STIPULATED.

DATED this 1st day of August, 2024.

GORDON THOMAS HONEYWELL LLP

s/Ryan C. Espegard

RYAN C. ESPEGARD, WSBA No. 41805

1201 Pacific Avenue, Suite 2100

Tacoma, WA 98402

Telephone No. (206) 676-7548

Email: [respegard@gth-law.com](mailto:respegard@gth-law.com)

Attorney for Plaintiff

SO STIPULATED.

DATED this 1st day of August, 2024.

TESSA M. GORMAN

United States Attorney

s/Kristin B. Johnson

KRISTIN B. JOHNSON, WSBA No. 28189

Assistant United States Attorney

700 Stewart Street, Suite 5220

Seattle, WA 98101-1271

Telephone No. (206) 553-7970

E-mail: [kristin.b.johnson@usdoj.gov](mailto:kristin.b.johnson@usdoj.gov)

Attorney for Defendants

**ORDER**

IT IS SO ORDERED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
BENJAMIN H. SETTLE  
UNITED STATES DISTRICT JUDGE